

# UNITED STATES DISTRICT COURT

# SOUTHERN DISTRICT OF TEXAS

# HOUSTON DIVISION

## Parties Involved:

**Plaintiff: Joshua Herron**

**1515 Maint St, #101 Houston, TX 77002**

**V**

**Defendant: ICON SAN ANTONIO LLC DBA ICON**

**1300 Patricia Dr San Antonio TX 78213**

## PETITION FOR FRAUDULENT INDUCEMENT:

**Under Tex. Civ. Prac. & Rem. Code § 16.005**

## FACTS OF THE CASE:

1. On about 11/29/2023 per the lease contract, Plaintiff signed a lease agreement with Defendant for Apartment 107 at a monthly rent of \$1,150.
2. The lease was based on Defendant's representation that the apartment's market rate was \$1,150.

*JH*

3. However, Plaintiff later discovered that the apartment was listed online at \$900 per month.

4. Defendant failed to disclose this discrepancy to Plaintiff.

5. Plaintiff suffered financial harm by paying the higher rent.

6. Location 1300 Patricia Dr San Antonio TX 78213 Apartment #107  
Defendant breached the lease agreement by:

1. Misrepresenting the market rate of the apartment.

2. Failing to disclose material

Damages:

Compensatory Damages: \$200,000

Punitive Damages: \$300,000

Total: \$500,000

RELIEF SOUGHT:

1. Declaration that defendant's actions constitute unlawful eviction

\$200,000

2. Grant Compensatory damages

\$300,000

3. Grant Punitive damages

4. Injunctive relief to prevent further unlawful eviction

5. Such other relief as the court deems just and proper

RESPECTFULLY Tax and Law abiding Veteran,

Joshua Herron

346-257-7523

Contact: 1515 Main St

#Apt 101

Houston TX 77002

VERIFICATION:

I, JOSHUA HERRON, hereby verify that the facts set forth in this

Complaint are true and

correct to the best of my knowledge and belief.

Signed: Joshua Herron *JH*

Service:

This petition will be served on ICON SAN ANTONIO LLC DBA ICON 1300  
Patricia Dr, San Antonio, TX 78213

Certificate of Service: ICON SAN ANTONIO LLC DBA ICON:

1300 Patricia Dr, San Antonio, TX 78213

I hereby certify that a true and accurate copy of this petition was served  
on ICON SAN ANTONIO LLC DBA ICON 1300

Patricia Dr, San Antonio, TX 78213 *JH*

Employer's Address: Unemployed

Salary or wages per month: Unemployed

Type of work: Unemployed

If you are presently unemployed, state:

Date of last employment: Unemployed

Salary or wages per month: Unemployed

Type of work: Unemployed

c.) Please list any other income received within the past twelve months:  
(Write the gross amount (before taxes) per month that you received and the months you received this income.)

Business or profession: \$0

Other self-employment: \$2500

Interest: \$0

Dividends: \$0

Pension and annuities: \$0

Social security benefits: \$0

Support payments: \$0

Disability payments: \$0

Unemployment compensation and/or supplemental benefits: \_\_\_\_\_

\$2000 (Snaf Food only)

Workers' Compensation: \$0

Public assistance: \$ 0

Other: \$ 0

d.) Other contributions to household support:

(Write the gross amount (before taxes) per month that you received and the months you received this income.)

(Wife) (Husband) Name: \$ 0

If your (wife) (husband) is employed, please state

Employer: \$ 0

Salary or wages per month: \$ 0

Type of work: \$ 0

Contributions from children: \$ 0

Contributions from parents: \$ 0

Other contributions: \$ 0

e.) Property owned:

Cash: \$ 0

Checking Account: \$ 0

Savings Account: \$ 0

Certificates of deposit: \$ 0

Real estate (including home): \$ 0

Motor Vehicle: Make 2013 Dodge Avenger, Year           

Cost: \$ 1600 Amount Owed: \$ 800 loan

Stocks and bonds: \$ 0

Other: \$0

f.) Debts and obligations:

Mortgage: \$0

Rent: \$825

Loans: \$800

Other: \$8,000

(Write all of your regular monthly bills, phone, utilities, cable, insurance, etc.)

g.) Persons dependent upon you for support:

(Wife/Husband) Name: \$0

Children, if any:

Name: \$0 none Age: \$0 none

\$0 none \$0 none

\$0 none \$0 none

Other persons:

Name: \$0 none

Relationship: \$0 none

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date:

06/14/2024

PETITIONER

Ursula Heppner

SH

Integrity Texas Funding, LP  
 84 Villa Road  
 Greenville, SC 29615

Date: 5/16/2024

Receipt# 77446349

|                       |                         |
|-----------------------|-------------------------|
| Loan Origination Date | 4/20/2024 1:08:30 PM    |
| Loan Number           | 397-77565               |
| Borrower's Name       | HERRON, JOSHUA DEANGELO |

**PAYMENT TRANSACTION**

|                             |           |
|-----------------------------|-----------|
| Date Payment Received       | 5/16/2024 |
| Amount of Payment Received  | 140.00    |
| Amount Applied to Fees      | 0.00      |
| Amount Applied to Interest  | 0.00      |
| Amount Applied to Principle | 140.00    |
| Amount Interest Short       | 0.00      |
| Amount Fees Short           | 0.00      |
| Remaining Principle Balance | 1,390.59  |

**PAYMENT METHOD**

|                 |                 |
|-----------------|-----------------|
| Employee's Name | Destiny Initial |
| Payment Form    | Card Payment    |
| How Paid        | Walked In       |

**Privacy Notice** - Federal law requires us to tell you how we collect, share, and protect your personal information. Our privacy policy has not changed and you may review our policy and practices with respect to your personal information at [www.integritytexasannualprivacynotice.com](http://www.integritytexasannualprivacynotice.com) or we will mail you a free copy upon request if you call us at 1-864-214-2515.



I, JOSHUA E HERRON, authorize Select Management Resources, on behalf of  
WELLSHIRE FINANCIAL  
SERVICES, LLC d/b/a  
LoanStar Title Loans, to charge my debit card account in the amount of \$140.

Debit Card Number: XXXXXX XXXX 4223; Expiration Date: 5/2028

Authorization Code: 060752

05/16/2024

Cardholder's Signature

Date

I also authorize Select Management Resources to charge my debit card for future payments  
that are verbally approved by me.

Authorization Valid Until: N/A Initial Here: JH



10275 W. Higgins Road  
Suite 750  
Rosemont, IL 60018

Insured: Josh Herron Home: (346) 257-7523  
Property: 1300 Patricia Drive San Antonio, TX 78213  
Home: 1300 Patricia Drive San Antonio, TX 78213

Claim Rep.: Anthony Jukes

Estimator: Anthony Jukes

Claim Number: 24C03020

Policy Number: RTH12062579

Type of Loss: Water

Date Contacted: 6/6/2024 11:26 AM

Date of Loss: 2/14/2024 12:00 AM

Date Received: 6/5/2024 9:50 AM

Date Inspected:

Date Entered: 6/5/2024 10:05 AM

Price List: TXSA8X\_JUN24  
Restoration/Service/Remodel  
Estimate: JOSH\_HERRON

We have prepared this estimate regarding your loss or damage. A letter that explains your coverage and benefits is being sent to you under separate cover. Because the information in an estimate serves as the basis for a determination of your benefits, you (and if applicable, your contractor) should review this estimate carefully. Let us know immediately (and prior to beginning any work) if you have any questions regarding the estimate.

MARKEL Evanston Insurance Company

10275 W. Higgins Road  
 Suite 750  
 Rosemont, IL 60018

JOSH\_HERRON

24C03020 - Herren PPIF

Living Room

| DESCRIPTION   | QUANTITY | UNIT PRICE | TAX           | RCV             | DEPREC.         | ACV             |
|---|----------|------------|---------------|-----------------|-----------------|-----------------|
| 1. N/A N/A, Safari Leather Couch set and rug          | 2.00 EA  | 3,300.00   | 544.50        | 7,144.50        | (3,572.25)      | 3,572.25        |
| 5. PSW S4 S4, PSW living room speakers for production | 1.00 EA  | 550.00     | 45.38         | 595.38          | (119.08)        | 476.30          |
| 7. Brother JK2517, U63548-H4P181825 Sewing Machine    | 1.00 EA  | 500.00     | 41.25         | 541.25          | (216.50)        | 324.75          |
| <b>Totals: Living Room</b>                            |          |            | <b>631.13</b> | <b>8,281.13</b> | <b>3,907.83</b> | <b>4,373.30</b> |

Bedroom

| DESCRIPTION  | QUANTITY | UNIT PRICE | TAX           | RCV             | DEPREC.       | ACV             |
|--|----------|------------|---------------|-----------------|---------------|-----------------|
| 2. Lone Star Mattress & Furniture N/A, Bed and Bed set | 1.00 EA  | 1,875.00   | 154.69        | 2,029.69        | (405.94)      | 1,623.75        |
| <b>Totals: Bedroom</b>                                 |          |            | <b>154.69</b> | <b>2,029.69</b> | <b>405.94</b> | <b>1,623.75</b> |

Bathroom

| DESCRIPTION  | QUANTITY | UNIT PRICE | TAX          | RCV             | DEPREC.       | ACV             |
|--|----------|------------|--------------|-----------------|---------------|-----------------|
| 3. Apple C021kLXVOR13, Max Book Retina 13                                  | 1.00 EA  | 1,000.00   | 0.00         | 1,000.00        | (0.00)        | 1,000.00        |
| 4. JBL TL0284-KG0210736, JBL Charge 4 (not so water proof when plugged in) | 1.00 EA  | 100.00     | 8.25         | 108.25          | (54.13)       | 54.12           |
| 8. Confidence Fitness N/A, Workout Bike                                    | 1.00 EA  | 160.00     | 13.20        | 173.20          | (69.28)       | 103.92          |
| <b>Totals: Bathroom</b>  |          |            | <b>21.45</b> | <b>1,281.45</b> | <b>123.41</b> | <b>1,158.04</b> |

Kitchen

| DESCRIPTION                          | QUANTITY | UNIT PRICE | TAX           | RCV              | DEPREC.         | ACV             |
|--------------------------------------|----------|------------|---------------|------------------|-----------------|-----------------|
| 6. SunBeam N/A, Toaster              | 1.00 EA  | 35.00      | 2.89          | 37.89            | (0.00)          | 37.89           |
| <b>Totals: Kitchen</b>               |          |            | <b>2.89</b>   | <b>37.89</b>     | <b>0.00</b>     | <b>37.89</b>    |
| <b>Total: 24C03020 - Herren PPIF</b> |          |            | <b>810.16</b> | <b>11,630.16</b> | <b>4,437.18</b> | <b>7,192.98</b> |
| <b>Line Item Totals: JOSH_HERRON</b> |          |            | <b>810.16</b> | <b>11,630.16</b> | <b>4,437.18</b> | <b>7,192.98</b> |

JOSH\_HERRON

6/6/2024

Page: 2

HULL, HOLLIDAY & HOLLIDAY P.L.C.  
ATTORNEYS AT LAW  
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attorney@h3landlordlaw.com  
ANDREW M. HULL #004153  
DENISE HOLLIDAY #017275  
KEVIN HOLLIDAY #017276  
MATTHEW R. SCHLABACH #034118

DESERT RIDGE JUSTICE COURT  
18380 N. 40TH STREET  
PHOENIX AZ, 85032  
MARICOPA COUNTY, ARIZONA  
602-372-7100

CASE NO. CC 2024 186914

## COMPLAINT - EVICTION ACTION

Case Number on Summons

|   |   |   |
|---|---|---|
| PLAINTIFF<br><br>BIGELOW ARIZONA LLC IV<br>DBA BUDGET SUITES OF AMERICA/414<br>2702 WEST YORKSHIRE DRIVE<br>PHOENIX, AZ 85027 | DEFENDANT(S)<br><br>JOSHUA HERRON<br>JOHN AND JANE DOES I-X<br>2702 WEST YORKSHIRE DRIVE<br>Unit# 1133<br>PHOENIX, AZ 85027 | 2024 AUG 27 AM<br>DESERT RIDGE JUSTICE COURT<br>FILED |
|---|---|---|

YOUR LANDLORD IS SUING TO HAVE YOU EVICTED. PLEASE READ CAREFULLY!

1. I am the attorney for the Plaintiff in this action, and this Court has jurisdiction over this action.
2. That Defendant wrongfully withholds possession of the premises from Plaintiff; Plaintiff is entitled to immediate possession of the following described premises: 2702 WEST YORKSHIRE DRIVE #1133, PHOENIX, AZ 85027
3. The premises are located within the judicial precinct of this Court or there is authority for the filing of this action outside the precinct where the premises are located.
4. If applicable, Defendants have been served a proper notice(s) which is/are attached hereto and incorporated herein.
5. On 08/20/2024 defendant was served Hand Delivered notice pursuant to law; Rental per Month is \$1,359.76; Rent is due and unpaid since 08/19/2024. If this Complaint does not contain violations other than the non-payment of rent, then Defendants may contact Plaintiff and reinstate the rental agreement and cause this eviction action to be dismissed if, prior to the entry of the judgment, the Defendants pay all rent due, late fees pursuant to the Lease, court costs and attorney's fees due as of the date of payment. This complaint is in compliance with Supreme Court Administrative Order 2021-129 (see attached attestation of Plaintiff).
6. As of 08/26/2024 the following amounts are due and owing: Rent of \$1,359.76; Court costs of (\$63.00 Filing Fee + \$25.00 Process Server Fee) \$88.00; Attorneys' fees of \$115.00; For a total of \$1,562.76, plus after accruing costs.

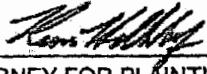
Plaintiff asks for Judgment against Defendant for rent due as of the date of Judgment; late fees; attorneys' fees; damages; other charges and concessions, immediate possession of the premises; Plaintiff's costs of this suit; after accruing rent, attorneys' fees; and a Writ of Restitution to be issued in this matter. The undersigned attorney does hereby verify that they believe the assertions in this complaint to be true on the basis of a reasonably diligent inquiry. Plaintiff and Plaintiff's counsel hereby request permission to appear virtually.



376895

XPR

DATED: 08/26/2024

  
ATTORNEY FOR PLAINTIFF



Maricopa County Justice Courts, State of Arizona  
**Desert Ridge Region**  
**Desert Ridge Justice Court**

18380 N. 40th Street Suite #130

Phoenix, AZ 85032

(602) 372-7100

<http://justicecourts.maricopa.gov>

**BOND RECEIPT**

(Reprint)

Transaction #: 10117273  
 Date: Sep 09, 2024 at 8:49:27 AM  
 Cashier ID: 75378

**BOND POSTER:**  
 Joshua Herron  
 2702 W Yorkshire Dr #1133  
 Phoenix, AZ 85027

| Type | Case #       | Party Name    | Payer Name           | Amount Paid        |
|------|--------------|---------------|----------------------|--------------------|
| Cash | CC2024186914 | JOSHUA HERRON | \$0.00 Joshua Herron | 142.35<br>\$142.35 |

|                    |                |
|--------------------|----------------|
| Amount Tendered:   | 160.00         |
| Payment:           | 142.35         |
| <b>Change Due:</b> | <b>\$17.65</b> |

CASE NUMBER: CG2024-186914 EA

PLAINTIFF: BIGELOW ARIZONA LLC IV

DEFENDANT: JOSHUA HERRON

**COST BOND****COST BOND** In all cases

|   |           |
|---|-----------|
| With the filing of the cost bond, Appellant must also file a NOTICE OF FILING COST BOND ON APPEAL form. | \$ 250.00 |
|---|-----------|

|  |  |
|--|--|
| If appellant is unable to post the cost bond, an AFFIDAVIT OF INABILITY TO POST BOND PENDING APPEAL form must be filed and processed (refer to checklist). |  |
|--|--|

**SUPERSEDEAS BONDS**

|   |                         |
|---|-------------------------|
| To stay enforcement of the money judgment | <b>CANNOT BE WAIVED</b> |
|---|-------------------------|

|  |             |
|--|-------------|
| Total amount of judgment, including costs and attorney fees. |             |
| Judgment Award (excluding court costs and attorney fees)     | \$ 1,359.76 |
| Attorney fees, if any  | \$ 115.00   |
| Court costs  | \$ 118.00   |
| Bond Fixed At  | \$ 1,592.76 |

|  |                         |
|--|-------------------------|
| To stay enforcement of the judgment for possession | <b>CANNOT BE WAIVED</b> |
|--|-------------------------|

|   |                               |
|---|-------------------------------|
| If this bond is posted it will stay enforcement of the Writ thorough the next rental due date (to the 1st, in this example). If rent is not paid to the court on the 1st, the Writ may issue at that time, or at any other subsequent due date that rent is not paid. | <i>MUST BE PAID BY 9.9.24</i> |
|---|-------------------------------|

| <b>BOND CALCULATION</b>         |             | Pro-rated rent        | \$ (90.65) |
|---------------------------------|-------------|-----------------------|------------|
| Rent Per Month                  | \$ 1,359.76 |                       |            |
| Daily Prorated Rent Amount      | \$ 45.33    | Attorney fees, if any | \$ 115.00  |
| Next Due Rent Date              | 9/1/2024    | Court costs           | \$ 118.00  |
| Judgment Entered on             | 9/3/2024    |                       |            |
| No. of days to next rental date | (2)         | Bond Fixed At         | \$ 142.35  |
| Rent due through next rent date | \$ (90.65)  |                       |            |

|  |                         |
|--|-------------------------|
| To stay enforcement of both the money judgment and the judgment for possession | <b>CANNOT BE WAIVED</b> |
|--|-------------------------|

|  |             |
|--|-------------|
| Pro-rated rent   | \$ (90.65)  |
| Judgment Award (excluding court costs and attorney fees) | \$ 1,359.76 |
| Attorney fees, if any                                    | \$ 115.00   |
| Court costs  | \$ 118.00   |
| Bond Fixed At  | \$ 1,592.76 |

APPROVED:

Judge:

Date: 9/3/2024

